

AMENDED IN SENATE MAY 9, 2000
AMENDED IN SENATE MAY 2, 2000
AMENDED IN SENATE APRIL 24, 2000

SENATE BILL

No. 1629

Introduced by Senator Sher

February 22, 2000

An act to add Section 894.5 to the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 1629, as amended, Sher. Highways: pedestrian and bicycle access.

(1) Existing law requires the Department of Transportation to publish a statewide map illustrating state highway routes available for the use of bicycles, and, where bicycles are prohibited from using a state highway, illustrating alternative routes available to the bicyclist. Existing law requires the department to establish design and safety criteria for bicycle roadways. Existing law authorizes a local authority to establish bikeways, and creates the Bicycle Transportation Account in the State Transportation Fund to provide funds for bicycle transportation.

This bill would require bicycle and pedestrian access on all highways constructed, as defined, after a specified date unless exceptions are found by the responsible agency after a public hearing, as prescribed. The bill would also make legislative findings and declarations.

To the extent that this bill would require local entities to construct pedestrian and bicycle paths in conjunction with construction of highways, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 894.5 is added to the Streets and
2 Highways Code, to read:

3 894.5. (a) The Legislature finds and declares all of
4 the following:

5 (1) The use of highways for purposes of travel and
6 transportation is a common and fundamental right, and
7 that all persons have an equal right to use these
8 thoroughfares for travel by appropriate means, and with
9 due regard to the rights of others.

10 (2) It is the policy of this state to provide an integrated
11 and balanced transportation system for the use of all
12 persons, including the young, the elderly, the
13 disadvantaged, and those with disabilities.

14 (3) Enabling the public to use a variety of travel
15 modes, including walking and bicycling, contributes to
16 the public health, facilitates access to schools, jobs,
17 shopping, recreation, and other daily needs, and creates
18 a sense of local community identity and pride.



(4) Making streets and roads more usable by pedestrians and bicyclists reduces traffic congestion on those streets and roads.

(5) In order to maximize these benefits, the design of the highways of California should address the needs of nonmotorized, as well as motorized transportation.

(b) (1) *This section shall be known as, and may be cited, as the Good Roads for the 21st Century Act.*

(2) Every highway, other than a freeway, constructed by the department or local authority, on or after January 1, 2002, shall include sidewalks, paths, walkways, or equivalent facilities on both sides of the highway for use by pedestrians. This subdivision does not apply to any highway for which the final design has been approved by the department or the appropriate local authority, if the department or local authority begins construction of the highway on or before January 1, 2003.

(c) Every highway constructed by the department or local authority commencing on or after January 1, 2002, shall include accommodation for bicycle travel.

(d) (1) Except as provided in paragraph (2), the accommodation shall be by shared roadway or by bike lane as described in subdivision (b) of Section 890.4. For purposes of this section, a shared roadway includes a shoulder.

(2) On a highway that is a freeway, the accommodation shall be by shoulder or bike path, as described in subdivision (a) of Section 890.4.

(e) All facilities constructed to accommodate bicyclists under this section shall conform to the minimum safety design criteria and uniform standards established by the department pursuant to Sections 890.6 and 890.8.

(f) Any maintenance to a highway by the department or any local authority performed on or after January 1, 2002, shall, at a minimum, maintain the existing level of pedestrian and bicycle access and safety features along and across the highway.

(g) Every new toll bridge and every toll bridge that is substantially reconstructed or that is modified to increase

1 its vehicle carrying capacity shall provide a sidewalk or
2 path for use by pedestrians, and a shoulder, bike lane, or
3 bike path for use by bicyclists.

4 (h) Subdivisions (b) to (f), inclusive, do not apply if
5 the particular agency finds, after conducting a public
6 hearing, ~~either~~ *any* of the following:

7 (1) Providing the pedestrian or bicycle access is
8 contrary to public safety.

9 (2) An alternative route exists that is equally safe and
10 convenient in terms of travel time and effort, or an
11 alternative route meeting these criteria will be provided
12 as part of the construction project.

13 (3) The cost of the facilities would be disproportionate
14 to projected need or use.

15 (4) Sparse population or other factors indicate an
16 absence of any need.

17 (5) Significant adverse environmental effects would
18 result from inclusion of the facilities.

19 (i) (1) For purposes of this section, “construction”
20 means any of the following:

21 (A) New construction.

22 (B) Reconstruction.

23 (C) *Replacement*.

24 (D) Modification to increase carrying capacity.

25 (2) For the purposes of this section, “construction”
26 does not include any of the following:

27 (A) Resurfacing.

28 (B) Restoration.

29 (C) Rehabilitation.

30 (D) Installation of, or improvements to, any of the
31 following:

32 (i) Planting.

33 (ii) Illumination.

34 (iii) Traffic control devices.

35 (E) Maintenance.

36 (F) Incidental improvements that do not increase
37 highway carrying capacity.

38 SEC. 2. Notwithstanding Section 17610 of the
39 Government Code, if the Commission on State Mandates
40 determines that this act contains costs mandated by the

1 state, reimbursement to local agencies and school
2 districts for those costs shall be made pursuant to Part 7
3 (commencing with Section 17500) of Division 4 of Title
4 2 of the Government Code. If the statewide cost of the
5 claim for reimbursement does not exceed one million
6 dollars (\$1,000,000), reimbursement shall be made from
7 the State Mandates Claims Fund.

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